

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**G&G CLOSED CIRCUIT
EVENTS, LLC,**

Plaintiff,

v.

No. SA-23-CV-1278-JKP

EDEN FRESH, LLC, et al.,

Defendants.

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**


Before the Court is a *Report and Recommendation of United States Magistrate Judge* (“R&R”) filed February 8, 2024, (ECF No. 8). The Magistrate Judge recommends that the Court dismiss this action because Plaintiff has failed to properly serve any defendant within the timeframe set out in Fed. R. Civ. P. 4(m). In a *Show Cause Order* (ECF No. 7), the Magistrate Judge brought this matter to Plaintiff’s attention, warned him that courts may dismiss an action for failing to serve defendants in accordance with Fed. R. Civ. P. 4(m), and ordered him to show cause why this case should not be dismissed for failing to timely serve defendants under Rule 4(m). As explained in the R&R, Plaintiff made no attempt to show cause and has not shown proper service on any defendant. Plaintiff has filed no objection to the R&R, and the time for doing so has expired.

Any party who seeks review of all or a portion of an R&R must serve and file specific written objections within fourteen days after being served with a copy. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). If a party does not timely object, the District Court may review the unobjected-to proposed findings and recommendations to determine whether they are clearly

erroneous or contrary to law. *Johnson v. Sw. Research Inst.*, 210 F. Supp.3d 863, 864 (W.D. Tex. 2016) (citing *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam)).¹

Consistent with § 636(b)(1)(C) and Rule 72(b)(2), the Court has reviewed the subject R&R for clear error on the face of the record. The Court finds no such error. Accordingly, the Court **ACCEPTS** the Magistrate Judge's recommendation (ECF No. 8). As recommended, the Court **DISMISSES** this action without prejudice for Plaintiff's failure to serve defendants in accordance with Rule 4(m). The Court will issue an appropriate final judgment by separate filing.

IT IS SO ORDERED this 21st day of March 2024.


JASON PULLIAM
UNITED STATES DISTRICT JUDGE

¹ While Rule 72(b) does not facially require any review in the absence of a specific objection, the advisory committee notes following its adoption in 1983 state: "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Further, failure to object shall also bar appellate review of those portions of the Magistrate Judge's Report and Recommendation that were ultimately accepted by the district court, unless the party demonstrates plain error. *Thomas v. Arn*, 474 U.S. 140, 150–53 (1985); *Wilson*, 864 F.2d at 1221.